

### REMARKS

1. Claims 1-43 were pending. Claims 18, 24-26, 28, 29, 35, 38, and 41-43 have been amended. Claims 1-43 are now pending. Reexamination and reconsideration of the application, as amended, are requested.

2. Rejections under 35 U.S.C. § 101

Claims 1-43 were rejected in the Office Action under 35 U.S.C. § 101 for double patenting of Claims 1-43 of prior US Patent No. 5,953,621 ("Gonzalez et al."). The Applicants respectfully traverse the rejection and request consideration of the following.

3. Claim 1 of Gonzalez et al. recites

- (i) "and filling isolation trenches" in the preamble, Col. 11, line 6;
- (ii) "substantially conforming" at Col. 11, lines 12-13;

In contrast, pending Claim 1 lacks the foregoing limitations and further recites "a microelectronic structure" in the preamble. As such, pending Claim 1 differs materially from Claim 1 of Gonzalez et al. and is therefore allowable thereover, as are Claims 2-6 which depend therefrom.

4. Claim 7 of Gonzalez et al. recites

- (i) "and filling isolation trenches" in the preamble, Col. 11, line 46;
- (ii) "substantially conforming" at Col. 11, lines 53-54;

In contrast, pending Claim 7 lacks the foregoing limitations and further recites "a microelectronic structure" in the preamble. As such, pending Claim 7 differs materially from

Claim 7 of Gonzalez et al. and is therefore allowable thereover, as are Claims 8-13 which depend therefrom. Moreover, pending Claim 9 depends from Claim 7, whereas Claim 9 of Gonzalez et al. depends from Claim 8. Additionally, Claim 11 of Gonzalez et al. recites "substantially" at Col. 12, line 32 whereas pending Claim 11 does not.

5. Claim 14 of Gonzalez et al. recites

- (i) "and filling isolation trenches" in the preamble, Col. 12, line 41;
- (ii) "substantially conforming" at Col. 12, lines 47-48;

In contrast, pending Claim 14 lacks the foregoing limitations and further recites "a microelectronic structure" in the preamble. As such, pending Claim 14 differs materially from Claim 14 of Gonzalez et al. and is therefore allowable thereover, as are Claims 15-17 which depend therefrom.

6. Claim 18 of Gonzalez et al. recites "isolation trenches" in the preamble, Col. 13, line 24. In contrast, pending Claim 18 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the plurality of spacers, the conformal third layer, and the plurality of isolation trenches" in the body of the claim. As such, pending Claim 18 differs materially from Claim 18 of Gonzalez et al. and is therefore allowable thereover, as are Claims 19-23 which depend therefrom.

7. Claim 24 of Gonzalez et al. recites "isolation trenches" in the preamble, Col. 14, line 16. In contrast, pending Claim 24 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the plurality of spacers, the conformal third layer, and the plurality of isolation trenches" in the body of the claim. As such, pending Claim 24 differs materially from Claim 24 of Gonzalez et al. and is therefore allowable thereover, as are Claims 19-23 which depend therefrom.

8. Claim 25 of Gonzalez et al. recites

- (i) "isolation trenches" in the preamble, Col. 14, line 53;
- (ii) "substantially" at Col. 15, line 21;

In contrast, pending Claim 25 lacks the foregoing limitations and further recites "a microelectronic structure" in the preamble. As such, pending Claim 25 differs materially from Claim 25 of Gonzalez et al. and is therefore allowable thereover.

9. Claim 26 of Gonzalez et al. recites "isolation trenches" in the preamble, Col. 15, line 30. In contrast, pending Claim 26 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the plurality of spacers, the conformal third layer, and the plurality of isolation trenches" in the body of the claim. As such, pending Claim 26 differs materially from Claim 26 of Gonzalez et al. and is therefore allowable thereover, as is Claim 27 which depends therefrom.

10. Claim 28 of Gonzalez et al. recites

- (i) "isolation trenches" in the preamble, Col. 16, line 1;
- (ii) "substantially" at Col. 16, line 33;

In contrast, pending Claim 28 lacks the foregoing limitations and further recites "a microelectronic structure" in the preamble. As such, pending Claim 28 differs materially from Claim 28 of Gonzalez et al. and is therefore allowable thereover, as are Claims 29-30 which depend therefrom.

11. Claim 31 of Gonzalez et al. recites

- (i) "and filling isolation trenches" in the preamble, Col. 16, line 47;
- (ii) "substantially conformably" at Col. 16, lines 57-58;

In contrast, pending Claim 31 lacks the foregoing limitations and further recites "a microelectronic structure" in the preamble. As such, pending Claim 31 differs materially from Claim 31 of Gonzalez et al. and is therefore allowable thereover, as are Claims 32-34 which depend therefrom. Moreover, Claim 34 of Gonzalez et al. recites "substantially" at Col. 17, lines 36 and 39 whereas pending Claim 34 does not.

12. Claim 35 of Gonzalez et al. recites "an isolation structure" in the preamble, Col. 17, line 42. In contrast, pending Claim 35 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the plurality of spacers, the second layer, and the plurality of isolation trenches" in the body of the claim. As such, pending Claim 35 differs materially from Claim 35 of Gonzalez et al. and is therefore allowable thereover, as are Claims 36-37 which depends

therefrom.

13. Claim 38 of Gonzalez et al. recites "an isolation structure" in the preamble, Col. 18, line 12. In contrast, pending Claim 38 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the plurality of spacers, the second layer, and the plurality of isolation trenches" in the body of the claim. As such, pending Claim 38 differs materially from Claim 38 of Gonzalez et al. and is therefore allowable thereover, as are Claims 39-40 which depends therefrom.

14. Claim 41 of Gonzalez et al. recites "an electrical structure" in the preamble, Col. 18, line 49. In contrast, pending Claim 41 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the pair of spacers, the electrically insulative material, and the first and second isolation trenches" in the body of the claim. As such, pending Claim 41 differs materially from Claim 41 of Gonzalez et al. and is therefore allowable thereover.

15. Claim 42 of Gonzalez et al. recites "an electrical structure" in the preamble, Col. 18, line 66. In contrast, pending Claim 42 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the active area, the second layer, and the first and second isolation trenches" in the body of the claim. As such, pending Claim 42 differs materially from Claim 42 of Gonzalez et al. and is therefore allowable thereover.

16. Claim 43 of Gonzalez et al. recites "an isolation trench structure" in the preamble, Col. 20, line 1. In contrast, pending Claim 43 lacks the foregoing limitation and further recites "a microelectronic structure" in the preamble as well as "wherein the microelectronic structure is defined at least in part by the active area, the second layer, and the first and second isolation trenches" in the body of the claim. As such, pending Claim 43 differs materially from Claim 43 of Gonzalez et al. and is therefore allowable thereover.

17. In sum, the Applicants respectfully submit that, as to the claims now pending, a *prima facie* case of double patenting has not been made out. As such, the Applicants respectfully maintain that the present application is in condition for allowance. Reconsideration of the rejections is requested. Allowance of Claims 1-43 at an early date is solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application which could be clarified by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 30 day of May, 2000.

Respectfully submitted,



BRADLEY K. DESANDRO  
Attorney for Applicant  
Registration No. 34,521

WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707